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09/505,318	02/16/2000	Darryl Hymel	99EC015/75339	9021

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EXAMINER

VU, THONG H

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 15

Application Number: 09/505,318
Filing Date: February 16, 2000
Appellant(s): HYMEL, DARRYL

Jon P. Christensen
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/26/04.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-41 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

Claims 1-13 stand and fall together.

Claims 14-26 stand and fall together.

Claims 27-34 stand and fall together.

Claims 35-37 stand and fall together.

Claims 38-39 stand and fall together.

Claims 40 stands and falls by itself.

Claim 41 stands and falls by itself.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

6,021,428	MILOSLAVSKY	1-1998
6,175,562 b1	CAVE	4-1997

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-41 are rejected under 35 U.S.C. § 103 as being obvious over
Miloslavsky et al [Miloslavsky 6,021,428] in view of Cave [6,175,562 B1]

4. As per claim 1, Miloslavsky discloses a method of routing multimedia calls within an automatic call distributor system having a automatic call distributor coupled to the public switched telephone network and a host coupled to the Internet such as a Video routing system [Miloslavsky Fig 1, Fig 5; ACD/PBX accepted calls from PSTN, ACD/PBX is also connected to a CTI/PBX server, col 4 lines 29-62; Provider site comprises a server connected to Internet, col 10 lines 46-63]

receiving an Internet call from an Internet caller by the host through the Internet [Miloslavsky, a service assistance center can take telephone calls from user through TCP/IP connection, col 10 lines 46-63] ;

requesting an agent assignment for handling the to Internet call from the automatic call distributor coupled to the public switched telephone network [Miloslavsky, CTI system comprises a switching device are ACD/PBX, col 12 lines 52-64; PSTN 1160, Fig 5]; and

However Miloslavsky does not detail transferring the Internet call to a terminal of the agent assigned by the automatic call distributor.

A skilled artisan would have motivation to improve the communication between Internet-PSTN-ACD and looked to the prior art, which leads to the Cave's teaching. Cave taught a switching call processing wherein a the network between a plurality of remote callers connected in part over the Public Switched Telephone Network (PSTN) and the agent computers of selected agents assigned to said callers, said assignment enabled by the SCD according to a predetermined ACD algorithm [Cave col 9 lines 50-57; the Web server created a document to select agent wherein the distribution corresponding to assignment of agent to callers by the ACD application, col 12 lines 15-25]. It is clearly the calls have been transferred and received Internet call via PSTN and ACD to the assigned agent [Cave, Web-enable database, col 3 line 57-col 4 line 16].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the technique of select an assigned agent for handling the Internet call from PSTN to ACD as taught by Cave into

Miloslavsky's system in order to utilize the communication of multimedia data via Internet. Doing so would provide a simplified deployment and cost effective process to handle the communication over network.

Claims 14,27,35,41 and 42 contain the similar limitations set forth of claim 1. Therefore, claims 14,27,35,41,42 are rejected for the similar rationale set forth in claim 1.

5. As per claims 2,15,28 Miloslavsky-Cave disclose queuing the request for an agent assignment [Cave, select agents assigned, col 9 lines 50-57].

6. As per claims 3,16, Miloslavsky-Cave disclose the step of queuing the request for an agent assignment further comprises estimating a time length of the queue [Miloslavsky, estimated waiting time, col 16 lines 1-8].

7. As per claims 4,17,38,39 Miloslavsky-Cave disclose the step of estimating a time length of the queue further comprises transferring the estimated time to the Internet caller [Miloslavsky, estimated waiting time, col 16 lines 1-9, col 26 lines 25-40,51-67].

8. As per claims 5,18,29 Miloslavsky-Cave disclose the step of transferring the Internet call to the agent assigned by the automatic call distributor further comprises setting up a real-time Internet conference with the caller [Miloslavsky, video conference, col 4 lines 4-33].

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9. As per claims 6,19,30 Miloslavsky-Cave disclose exchanging audio and text between the assigned agent and Internet caller through an interactive window [Miloslavsky, a graphic document containing text, image and other information, col 11 lines 9-26].

10. As per claims 7,20,31 Miloslavsky-Cave disclose presenting an information screen to the caller about the real-time call [Miloslavsky, telephone calls from users in various customer sites, col 10 lines 46-63]

11. As per claims 8,21,32 Miloslavsky-Cave disclose presenting an estimated time until an assigned agent will be available to participate in the conference [Miloslavsky, the time interval is fixed, col 23 lines 47-56].

12. As per claims 9,22, Miloslavsky-Cave disclose presenting an information request screen to the Internet caller [Miloslavsky, the display Web page with "call me" button, col 16 lines 9-37].

13. As per claims 10,23,34 Miloslavsky-Cave disclose presenting an animated cartoon figure for entertaining the Internet caller while the caller waits for completion of setup of the real-time conference as inherent feature of screen-saver which was well-known in the art.

14. As per claims 11,24 Miloslavsky-Cave disclose seizing a connection on an incoming trunk to the automatic call distributor and sending simulated call associated information to the automatic call distributor [Miloslavsky, computer simulate telephones, simulation of CTI applications, col 39 lines 5-21,30-40].

15. As per claims 12,25 Miloslavsky-Cave disclose sending the request over a TCP/IP connection to a call application operating within the automatic call distributor [Miloslavsky, TCP/IP connection, col 10 lines 46-63].

16. As per claims 13,26 Miloslavsky-Cave disclose connecting a telephone of the assigned agent to a dummy load to avoid assigning the assigned agent to another call during the Internet call which is equivalent to a call is put on hold [Miloslavsky, a call is put on hold, col 5 lines 25-40].

17. As per claim 33 Miloslavsky-Cave disclose an information entry window adapted to request information from the Internet caller [Cave, the destination live agent then converts the received HTML documents into graphical presentations, allowing the live agent to interact with customer/caller information while talking to the caller, col 37 lines 8-67].

18. As per claim 36 Miloslavsky-Cave disclose routing the Internet call to an assigned agent when the queued Internet call reaches a front of the queue as inherent

feature of queues and routing [Miloslavsky, calls will be placed in the queue, col 28 lines 1-13].

19. As per claims 37 Miloslavsky-Cave disclose sending an Internet address of the Internet caller to the assigned agent [Cave, customer/caller database 105 to retrieve information regarding the caller and send it via Ethernet 220 to the data port IP address of the destination live agent, col 6 line 58-col 6 line 10].

(11) Response to Argument

A. As per claim 1, applicant argues the prior art does not teach “an Internet call from an Internet caller”

Examiner notes the prior art discloses “Provider site comprises a server connected to Internet, a service assistance center which can take telephone calls from user in various customer sites”, Miloslavsky, col 10 lines 46-63. It is clear that the user made a call to an Internet server as an Internet caller.

B. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Examiner point outs both Miloslavsky discloses a Internet Telephony call center including Internet with TCP/IP connection, a telephone channel connected to PSTN , a switching device such as ACD/PBX connected to PSTN and Cave disclose a communications system included a PSTN, ACD and Internet [Miloslavsky, ACD/PBX, col 4 lines 34-50; Internet and PSTH, col 10 lines 19-45].

Miloslavsky discloses receiving an Internet call from an Internet caller by the host through the Internet [Miloslavsky, a service assistance center can take telephone calls from user through TCP/IP connection, col 10 lines 46-63]. However Miloslavsky does not detail transferring the Internet call to a terminal of the agent assigned by the automatic call distributor.

Cave discloses a switching call processing wherein a the network such as Internet between a plurality of remote callers connected in part over the Public Switched Telephone Network (PSTN) and the agent computers of selected agents assigned to said callers, said assignment enabled by the SCD according to a predetermined ACD algorithm [Cave col 9 lines 50-57; the Web server created a document to select agent wherein the distribution corresponding to assignment of agent to callers by the ACD application, col 12 lines 15-25].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the technique of select an assigned agent for handling the Internet call from PSTN to ACD as taught by Cave into Miloslavsky's system in order to utilize the communication of multimedia data via Internet .

Since all the limitations of the claimed invention were expressly disclosed by the combination of Miloslavsky-Cave, and motivation of the communication system of Miloslavsky with the teachings for improved communication provided by Cave, the rejection of claims 1-41 should be sustained.

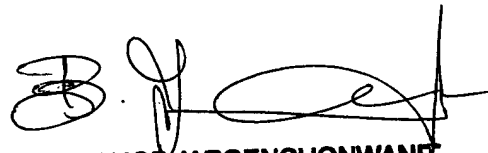
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


March 25, 2004



Conferees



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